

personally served by the Plaintiff and the Plaintiff's agents, and the said notice was posted on the property by the Frederick County Sheriff's Department, as is reflected in the Court file. The Notice posted on the subject property warned any and all interested parties to file his or her initial pleading in response to the Plaintiff's Complaint on or before May 27, 1986.

2. An Answer to the Plaintiff's Complaint has been filed by each of the named Defendants with the exception of Defendant Arthur Lee Sexton. Defendants Samuel C. Eyler, Anna Ruth Eyler, Arthur S. Angleberger, and Ski Round Top, Inc., have all filed Answers stating that each Defendant has no objection to the Court's granting of the relief requested by the Plaintiffs. Defendant The Town of Emmitsburg filed an Answer requesting that it be dismissed from the case. The Town of Emmitsburg has further consented to the relief requested by the Plaintiffs by the express consent of the said Defendant as indicated by the signature of its attorney, John H. Tisdale, attached to this Motion.

3. As set forth above, Defendant Arthur Lee Sexton failed to file an Answer to the within Complaint. By reason of this failure to file an Answer, the Plaintiffs requested an Order of Default against the said Defendant. By Order of the Honorable Clater W. Smith, Jr., Judge of this Court, dated June 4, 1986, an Order of Default was sent by the Clerk to Defendant Arthur Lee Sexton warning him that Judgment by Default may be entered against him unless he showed good cause to the contrary within 30 days of the date